



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/601,468

06/23/2003

Alex J. Draughon

03292.101700

7233

66569 7590 03/11/2008

FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PICH, PONNOREAY

ART UNIT

PAPER NUMBER

2135

MAIL DATE

DELIVERY MODE

03/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/601,468	Applicant(s) DRAUGHON ET AL.	
	Examiner PONNOREAY PICH	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/07 has been entered.

Claims 1-7 and 9-14. Applicant requested a rejoinder of withdrawn claims 9-14 due to amendments made. The rejoinder is granted due to the amendments. Applicant's arguments made with respect to amended claims 1-7 and 9-14 were fully considered, but are moot in view of new rejections made below in response to the amendments.

Claim Objections

Claim 9 is objected to because of the following informalities: "identifier" should be recited after "first" in line 14 of claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2135

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-7, 9-10, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Janacek et al (US 6,684,248).

Claim 1:

Janacek discloses:

1. Storing a message in a database (col 3, line 66-col 4, line 2; col 4, line 26-29; col 6, lines 6-9; and col 8, lines 42-51).
2. Associating the message with an intended recipient by a first identifier, i.e. NuID (col 4, line 48-col 5, line 6; col 7, lines 15-17; and col 8, lines 15-17).
3. Notifying the intended recipient using a notification message (i.e. email message) of the message stored in the database, wherein the notification message contains an address of or a link to a website (col 5, lines 7-12 and col 8, lines 64-67).
4. Providing the website for the intended recipient to view the message (col 5, lines 13-36).
5. Authenticating the intended recipient using a second identifier (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).
6. Searching the database to find messages for the intended recipient by matching the first identifier (col 6, lines 15-18 and 27-31; col 7, lines 22-64; col 8, lines 15-17; and col 10, lines 62-67).
7. Displaying the message for the intended recipient (col 5, lines 33-36).

Claim 9:

Janacek discloses:

1. Storing at least one private message in a secure database (col 3, line 66-col 4, line 2; col 4, line 26-29; col 6, lines 6-9; and col 8, lines 42-51).
2. Associating the private message with a first identifier, i.e. NuID, corresponding to an intended customer recipient, wherein the first identifier includes an account number (col 4, line 48-col 5, line 6; col 7, lines 15-17; col 8, lines 15-17; and col 10, lines 62-67).
3. Notifying the intended customer recipient by electronic mail of the private message stored in the secure database, wherein the electronic mail contains an address of or a link to a secure website (col 5, lines 7-12 and col 8, lines 64-67).
4. Providing the secure website for the intended customer recipient to view the private message (col 5, lines 13-36).
5. Authenticating the intended customer recipient to view the private message at the secure website using a second identifier corresponding to the first identifier, wherein the second identifier includes at least one of: a password and an electronic mail address (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).
6. Searching the secure database for the first identifier to find the private message to be viewed by the intended customer recipient (col 6, lines 15-18 and 27-31; col 7, lines 22-64; col 8, lines 15-17; and col 10, lines 62-67).

7. Displaying the private message associated with the intended customer recipient (col 5, lines 33-36).

Claim 2:

Janacek further discloses wherein the first identifier is an account number (col 4, line 61-col 5, line 1 and col 10, lines 62-67).

Claim 3:

Janacek further discloses wherein the second identifier is a combination of a user identification and a password (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).

Claims 5 and 12:

Janacek further discloses wherein the message includes a message portion; and an attachment file in a format that is different from a format of the message portion (col 4, lines 48-56).

Claims 6 and 13:

Janacek further discloses a step of encrypting the website to view messages using an encryption method (col 8, lines 23-27). SSL uses encryption.

Claims 7 and 14:

Janacek further discloses wherein the encryption method is SSL (col 8, lines 23-27).

Claim 10:

Janacek further discloses wherein the private message includes at least one of: customer account information, a financial statements, a special offer, a response to an

inquiry, and a transaction confirmation (col 4, lines 48-53; col 8, lines 64-67; and col 10, lines 7-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

It is noted that with respect to the present application, a person of ordinary skill in the art is someone having at least a BS in Computer Science (or someone with equivalent industry experience) and is familiar with database systems.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janacek et al (US 6,684,248) in view of Fung et al (US 2002/0055909).

Claims 4 and 11:

Janacek does not explicitly disclose wherein the second identifier is a biometric identification system. However, Fung discloses use of a biometric identification system as an identifier (paragraphs 148-149). At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Janacek's invention such that after a user is authenticated via a password as the second identifier the first time, a biometric identification system was used in place of the password as the second identifier as per Fung's teachings. One skilled would have been motivated to do so

because a biometric identifier is more secure than a password since it cannot be forgotten by the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONNOREAY PICH whose telephone number is (571)272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ponnoreay Pich/
Examiner, Art Unit 2135